

DISTRICT COURT (SEVENTH DISTRICT : EMERY COUNTY) ^[1698]

PROBATE CASE FILES, 1888-1989.

49 microfilm reels

DESCRIPTION: Probate case files from the Seventh District Court in Emery County primarily involve the probate of estates for deceased persons and guardianship for minors and incompetent persons. Probate is judicial oversight of property in transition. Probate of estates is the process by which a deceased person's property is identified and maintained, his debts and taxes paid, and then remaining property distributed to beneficiaries as specified in a will or as required by law for persons who die intestate (without a will). In guardianship cases probate is the establishment of a guardian for minors or incompetent adults who hold property that needs management. In addition to probate these case files also include name changes and some adoptions.

Utah's Territorial Assembly established original jurisdiction over the probate of estates and the guardianship of incompetent persons with county probate courts in 1852 (An Act in Relation to the Judiciary. Acts, Resolutions, and Memorials passed by the First Annual, and Special Sessions of the Legislative Assembly. Great Salt Lake City, 1852, Brigham H. Young, Printer. pp. 38-48). That jurisdiction transferred to the probate divisions of District Courts when County Probate Courts were abolished at statehood.

The probate process includes three parts. First, a petitioner must file with the court the documents necessary to have the court appoint a representative. Documents relating to this process include wills, petitions, letters of administration, bonds, etc., and a court order appointing an administrator, executor, or guardian. Second, the appointed representative does all that is necessary to manage the property through the period of transition. Documents filed here might include a court order appointing appraisers, notices to creditors, estate inventories, various kinds of financial statements, receipts, bills, and the court-appointed representative's final report. Finally, when all requirements have been met, such as all bills paid or a minor has become of age, the court mandates a final settlement and releases the representative from

any further responsibility.

The Territorial Legislature made provision for formal adoptions in 1884 and assigned jurisdiction to County Probate Courts (Compiled Laws of Utah, vol. II, 1888, part 5, chapter 4). Adoption case files include a formal petition, documents supporting the petition and the court's final decree. In this series adoption case files begin in 1893. Whereas early adoptions were open to the public and sometimes published in the newspaper, adoptions later became private. Most adoption records in this series are closed to public access (see access restrictions note). In addition to probate and adoption, case files this series also include official name changes.

ARRANGEMENT: Case files are arranged numerically by case number.

RESEARCH NOTE: It appears that many of the earliest case files in the series contain records that originated in either the Territorial First District Court or the Emery County Probate Court. Several of the earliest case files from this series originate prior to 1896 and presumably made their way into this series when final action was eventually taken in the Seventh District Court.

RELATED RECORDS: Series 21917 , PROBATE REGISTERS OF ACTION, record the date any action was taken on a case and briefly state what that action was. Series 1088 , PROBATE RECORD BOOKS, more fully document court proceedings as they relate to individual cases.

ACCESS RESTRICTIONS: Probate proceedings are public records. However adoption records, which are filed throughout the probate case files, require the permission of the Fifth District Court until 100 years have passed.

PROCESSING NOTE: This series was archivally processed by Jim Kichas in June 2008.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

Reel	Description	Dates
1	Case Files: 2 - 13	1888-1889
2	Case Files: 13 - 44	1889-1902
3	Case Files: 44 - 71	1902-1907

Reel	Description	Dates
4	Case Files: 71 - 110	1907-1912
5	Case Files: 110 - 149	1912-1915
6	Case Files: 150 - 196	1915-1918
7	Case Files: 196 - 207	1918-1919
8	Case Files: 208 - 222	1919-1921
9	Case Files: 222 - 239	1921-1922
10	Case Files: 239 - 283	1922-1925
11	Case Files: 284 - 307	1925-1926
12	Case Files: 308 - 325	1926-1928
13	Case Files: 325 - 371	1928-1932
14	Case Files: 371 - 411	1932-1934
15	Case Files: 411 - 459	1934-1937
16	Case Files: 459 - 485	1937-1938
17	Case Files: 485 - 524	1938-1940
18	Case Files: 524 - 571	1940-1942
19	Case Files: 571 - 616	1942-1944
20	Case Files: 616 - 662	1944-1945
21	Case Files: 663 - 668	1946
22	Case Files: 668 - 732	1946-1948
23	Case Files: 732 - 780	1948-1949
24	Case Files: 781 - 833	1949-1952
25	Case Files: 833 - 860	1952-1953
26	Case Files: 860 - 909	1953-1954
27	Case Files: 910 - 951	1954-1955

Reel	Description	Dates
28	Case Files: 952 - 985	1955-1956
29	Case Files: 986 - 1010	1956-1957
30	Case Files: 1011 - 1034	1957-1958
31	Case Files: 1035 - 1062	1958
32	Case Files: 1063 - 1103	1958-1960
33	Case Files: 1104 - 1138	1960-1961
34	Case Files: 1139 - 1175	1961-1963
35	Case Files: 1176 - 1216	1963-1964
36	Case Files: 1217 - 1255	1964-1966
37	Case Files: 1256 - 1293	1966-1967
38	Case Files: 1294 - 1317	1967-1968
39	Case Files: 1318 - 1350	1968-1969
40	Case Files: 1351 - 1377	1969-1970
41	Case Files: 1378 - 1414	1970-1972
42	Case Files: 1415 - 1453	1972-1973
43	Case Files: 1454 - 1492	1973-1974
44	Case Files: 1493 - 1533	1974-1975
45	Case Files: 1534 - 1592	1975-1976
46	Case Files: 1593 - 1644	1976-1978
47	Case Files: 1645 - 1759	1978-1981
48	Case Files: 1760 - 1924	1981-1985
49	Case Files: 1925 - 2029	1985-1989